

The 5th June, 1981

No. 9(1)-81-8Lab/6334.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act. No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Municipal Committee, Bahadurgarh.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK.

Reference No. 30 of 1978

Between

SHRI HARI SINGH, WORKMAN AND THE MANAGEMENT OF M/s. MUNICIPAL
COMMITTEE BAHADURGARH

Present :

Shri Harish Chander, for the workman.

Shri Kanwal Singh, for the management.

AWARD

This reference has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/RK/77/7828, dated the 17th February, 1978, under section 10(i)(c) of the Industrial Disputes Act, for adjudication of the dispute existing between Shri Hari Singh, workman and the management of M/s. Municipal Committee Bahadurgarh. The term of the reference was :—

Whether the termination of services of Shri Hari Singh was justified and in order? If not, to what relief is he entitled?

On the receipt of the order of reference notices as usual were sent to the parties. The parties appeared in response to the notice filed their respective pleadings and the following issues were framed on the basis of same :—

1. Whether the workman concerned was appointed purely on temporary basis for a term ending 4th November, 1975 and his services automatically came to an end on that date? If yes, to what effect?
2. If not as per reference?

The management examined Shri Siri Krishan, secretary and Shri R. M. Bhardwaj, First Station Officer as their witnesses and closed their case. The workman was examined as his own witness and closed his case.

I heard the arguments addressed by both the parties and seen the record and decide the issue-wise as under :—

Issue No 1 :—It has been admitted on both sides that the workman was appointed,—*vide* Ex. M-1 and he gave his joining report Ex. M-2. The services of the workman were extended for one year,—*vide* Ex. M-5. The services of the workman was terminated,—*vide* Ex. M-4. The fact of the period for which the term of the workman was extended is not clear from Ex. M-5. In the order of extension beneath Ex. M-5 mentioned a period of two years and in the column provided for the term extended mention one year expiry on 4th November, 1974. The management witness also supports the fact of extension granted for one year only upto 4th November, 1974. From Ex. M-3 and the statement of MW-1 it has been proved that the workman was granted extension upto 4th November, 1974 only for one year. From bare perusal the appointment letter Ex. M-1 it is apparent that the workman was not appointed on probation nor any period has been mentioned for which he was appointed. Latter on after the expiry of six month period the management extended the term of service of the workman for one year,—*vide* Ex. M-3 upto 4th November, 1974. The workman has continued to work after 4th November, 1974 till he was terminated on 4th November, 1975. The management witness MW-1 has in his cross-examination expressed his inability to explain as to how the period of one year from 4th November, 1974 to 4th November, 1975 was not be treated. MW-1 has also not been able to quote any rule as to for how much period a workman can be employed as a probationer. From the evidence of the parties it has been fully proved that the workman continued to work for another one year after the expiry of the extended period of his term of service and initially also he was not appointed as a probationer but on temporary basis not ending on 4th November, 1975. Accordingly this issue is decided against the management.

Issue No. 2 :—When issue No. 1 has been decided against the management. The management was not justified in terminating the services of the workman without issuing any charge-sheet and holding a proper domestic enquiry which procedure the management has failed to adopt. The workman has not been given any opportunity to show cause and the same is against the principles of natural justice. This is also an admitted fact that the workman along with other members of the fire staff made a complaint of the Fire Station Officer to the S. D. M. Jhajjar which is Ex. W-1 and after this complaint the Fire Station Officer prepared his report against the workman on which the management passed the order of termination Ex. M-4. The action of the management on this ground also cannot be held to be without malice and the same is prompted out of prejudice borne against the workman. The action of the management cannot be upheld as the same is arbitrary and against the well established rule of justice. The impugned order Ex M-4 terminating the services of the workmen is set aside being unjustified and not in order. The workman is therefore entitled to reinstatement with continuity of service and with full back wage. The reference is answered and returned in these terms.

BANWARI LAL DALAL,

The May, 1981

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endorsement No. 1765, dated the 28th May, 1981

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 19th August, 1981

No. 9(1)81-8 Lab/8954.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Alfament Pvt. Ltd. Plot No. 148, Sector 24, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 246 of 1980

between

SHRI AYUDHYA PRASAD AND THE MANAGEMENT OF M/S ALFAMENT PRIVATE
LIMITED, PLOT NO. 148, SECTOR 24, FARIDABAD

Present—

Shri R. Sibal and Shri R. N. Rai, for the management
Shri Darshan Singh for the workman.

AWARD

This reference No. 246 of 1980 has been referred to this court by the Hon'ble Governor of Haryana, — vide his order No. ID/FD/26/80/23225, dated 6th May, 1980, under Section 10(i)(c) of the I. D. Act 1947 for adjudication of the dispute existing between Shri Ayodhya Prasad workman and the management of M/s Alfament Private Limited Plot No. 148, Sector 24, Faridabad. The term of the reference was :—

“Whether the termination of services of Shri Ayodhya Prasad was justified and in order? If not, to what relief is he entitled?”

After receiving this reference notice were sent to the parties and both the parties appeared in this court through their authorise representatives. On 15th July, 1981, the last date of hearing the representative of the management Shri R. Sibal made a statement on oath in this Court that the workman had settled his case under section 18(1) of the I.D. Act, 1947 with the management mutual and had also received a sum of Rs 571.95 nP. The sttlement is Ex. M-1 and photo copies of receipt vouchers are Ex. M-2 to M-7. This statement was duly submitted by the representative of the workman. He also stated that he does not want to pursue this case and withdrawn the same. He further stated that there is now no dispute left between the partiss.

In view of the above statement of the parties. I give my award according to the settlement Ex. M-1. The settlement is just and fair. There is now no dispute left between the parties. The workman is not entitled to any relief. So this award is in answer of this reference. No order as to costs.

HARI SINGH KAUSHIK,

Dated the 30 July, 1981.

Presiding Officer,
Labour Court, Haryana,
Faridabad

Endst. No. 2396, dated 31st July, 1981

Forwarded (four copies) to the Commissioner and Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the I. D. Act. 2047, with the request that the receipt of the above said award may please be acknowledged within week's time.

HARI SINGH KAUSHIK

Presiding Officer,
Labour Court, Haryana,
Faridabad,

No. 9(1)81-8Lab/9198.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Atlantic Engineering Services Private Ltd., Faridabad.

BEFORE SHRI M. C. BHARDWAJ PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,

HARYANA, FARIDABAD

Reference No. 153 of 1979

between

SARVSHRI RADHEY SHYAM AND GURCHARAN SINGH, WORKMEN AND THE MANAGEMENT OF M/S. ATLANTIC ENGINEERING SERVICES, PRIVATE LTD., FARIDABAD.

Present.—

Workmen in person.

Shri A. J. S. Chadha, for the management.

AWARD

By order No. ID/FD/11/21467, dated 16th May, 1981 the Governor of Haryana referred the following dispute between the management of M/s. Atlantic Engineering Service Private, Ltd., Faridabad and its workmen Sarvshri Radhey Shyam and Gurcharan Singh to this Tribunal for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1957 :—

Whether the termination of services of Sarvshri Radhey Shyam, Gurcharan Singh is justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notice were issued to the parties. The parties appeared and filed their Pleadings. On the pleadings of the parties issues were framed on 9th November, 1979 and the case was fixed for the evidence of the management, who examined Shri Shakheran Nayyer as MW-1, Shri Baljeet Singh as MW-2 and closed its case. Then the case was fixed for the evidence of the workmen on 7th August, 1981. But on 16th July, 1981, the parties appeared and stated that a settlement had been arrived at between the parties and requested for recording of settlement. On the request of the parties file was taken up from records and the representative for the management stated that the management had agreed to pay Rs. 1,800 to each workman and paid the said sum before this Court and stated that now the workmen shall not be entitled for reinstatement, nor any claim if due. The concerned workmen stated that they had received their full and final settlement from the management and there was no dispute now pending for adjudication. I, therefore, give my award that the workmen have received a sum of Rs. 1,800 each in cash before this Tribunal and there is no dispute now pending for adjudication and the dispute has been settled between the parties mutually.

Dated the 5th August, 1981.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 724, dated the 6th August, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.